

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

)
)
UNITED STATES OF AMERICA)
)
v.) No. 23-3156
)
JEAN MARSHALL)
)
)

MOTION TO WITHDRAW AS COUNSEL AND TO ALLOW NEW COUNSEL TO APPEAR

Undersigned counsel respectfully moves to withdraw as counsel in the above captioned case. The Federal Public Defender requests that the Court allow Peter Breen and his colleagues at the Thomas More Society to appear as new counsel for Appellant Jean Marshall. In support of this motion, counsel submits:

1. On September 22, 2023, Ms. Marshall noted an appeal in this matter. On September 27, 2023, undersigned counsel, pursuant to an appointment by this Court, entered an appearance on behalf of Ms. Marshall.
2. On September 27, 2023, this Court consolidated Ms. Marshall's appeal with that of her co-defendants.
2. The Opening Brief in this matter is currently due today, October 2, 2023. Oral argument has not been set.
3. In the course of reviewing the law and discussing the case with Ms. Marshall, a conflict emerged between the Office of the

Federal Public Defender and Ms. Marshall concerning representation in this appeal. Given the nature of the conflict, Ms. Marshall has requested that the Federal Public Defender seek to withdraw as her counsel.

4. Mr. Peter Breen has offered to represent Ms. Marshall in this case pro bono.

5. Mr. Breen represents Ms. Marshall's co-defendant Ms. Lauren Handy in this appeal. This appeal presents identical legal issues for all co-defendants. Indeed, this Court has ordered joint briefing. Therefore, it is the Federal Public Defender's opinion that Mr. Breen's appearance as Ms. Marshall's counsel for the purposes of this appeal presents no conflict.

6. Mr. Marshall is aware of Mr. Breen's representation of her co-defendant and has agreed to have Mr. Breen represent her as well.

For these reasons, counsel respectfully requests that this motion to withdraw be granted and that Mr. Breen be allowed to represent Ms. Marshall pro bono.

Respectfully submitted,

A. J. KRAMER
FEDERAL PUBLIC DEFENDER

/s/
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CERTIFICATE OF COMPLIANCE WITH TYPE VOLUME LIMITATION

I hereby certify, pursuant to Federal Rule of Appellate Procedure 32(a), that the foregoing Motion to Withdraw and for Appointment of New Counsel and To Vacate the Briefing Schedule was prepared in a monospaced courier new font containing no more than 10 ½ characters per inch and contains 300 words.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Motion To Withdraw and For the Appointment of New Counsel with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit on October 2, 2023.

Counsel for all parties will be served by electronically.

Counsel has also served Mr. Peter Breen over email.

/s/

COURTNEY L. MILLIAN
Assistant Federal Public Defender